

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

LEONARD S. EMBODY,

Plaintiff,

V.

STEVE WARD, individually,

Defendant.

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NO. 3:10-cv-00126

JURY DEMAND

JUDGE HAYNES

**DEFENDANT STEVE WARD'S NOTICE
OF MANUAL FILING OF AUDIO CD**

Pursuant to the Court's Order Granting Motion by Steve Ward for Leave to Manually File an Audio CD (Doc. # 20, Order, 12/3/10, copy attached), defendant Ward gives notice of his manual filing of the audio CD that is Exhibit 5 to the deposition of Leonard Embody.

The audio CD records Embody's identification of Radnor Lake on December 20, 2009 at the beginning of the recording. (Deposition of Leonard Embody, p. 56-57). It also records the discussion between Embody and Ranger Joshua Walsh that day. (Deposition of Leonard Embody, p. 56). That portion is found about 7/8 of the way through the recording.

A copy of the Court's Order and this Notice accompany the audio CD being manually filed.

Respectfully submitted,

ROBERT E. COOPER, JR., BPR # 010934
Attorney General and Reporter

s/Mary M. Bers, BPR # 013159
Senior Counsel
s. Dawn M. Jordan, BPR # 020383
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Mary M. Bers

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of December, 2010, a copy of the foregoing was filed electronically to Phillip L. Davidson, 2400 Crestmoor Road, Suite 107, Nashville, TN 37215. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Copies will be served by the Court's electronic filing service on the following counsel of record:

s/ Mary M. Bers

Mary M. Bers

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JUDGE HAYNES

MOTION BY STEVE WARD
FOR LEAVE TO MANUALLY FILE AN AUDIO CD

D. H. S. M.
This motion
is GRANTED
[Signature]
12-3-10

Defendant Steve Ward moves for leave to manually file an audio CD of the recording made by plaintiff Leonard Embody on December 20, 2009, while at Radnor Lake State Natural Area. Defendant Ward has previously electronically filed a Motion for Summary Judgment, Statement of Material Facts in Support of Motion, and Memorandum of Law in Support of Motion. (Doc. ## 16, 17, 18, 11/30/10). The audio CD was supplied by the plaintiff, and is Exhibit 5 to the Deposition of Leonard Embody. It includes the discussion between plaintiff Embody and Park Ranger Joshua Walsh that Embody recorded on December 20, 2009, the date of the incident in this case. This discussion is referenced in the Amended Complaint, ¶ 3 (Doc. # 15, Amended Complaint, 11/9/10), and is now relevant to the defenses raised by defendant Ward in his Motion for Summary Judgment.

